

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

UNITED STATES OF AMERICA,

Plaintiff,

VS.

LUIS SANTACRUZ,

Defendant.

8:07CR307

ORDER

This matter is before the court on the defendant's motion to continue trial [19]. For good cause shown, and upon the representation that the government does not object, the court finds that the motion should be granted.

IT IS ORDERED that the motion [19] is granted, as follows:

1. The trial of this matter is continued to **February 26, 2008**.
2. In accordance with 18 U.S.C. § 3161(h)(8)(A), the court finds that the ends of justice will be served by granting this motion and outweigh the interests of the public and the defendant in a speedy trial. Any additional time arising as a result of the granting of this motion, that is, the time between **November 27, 2007 and February 26, 2008**, shall be deemed excludable time in any computation of time under the requirement of the Speedy Trial Act for the reason that counsel require additional time to adequately prepare the case, taking into consideration due diligence of counsel and the novelty and complexity of this case. The failure to grant additional time might result in a miscarriage of justice. 18 U.S.C. § 3161(h)(8)(A) & (B)(iv).
3. Defendant shall file an affidavit or declaration regarding speedy trial in accordance with NECrimR 12.1 and/or 12.3 no later than **November 27, 2007**.

DATED November 14, 2007.

BY THE COURT:

s/ F.A. Gossett
United States Magistrate Judge